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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,218	09/21/2001	Michael E. Brown	016295.0697	4097
7590	07/10/2008			
Michael R. Barre Bakers Botts L.L.P. One Shell Plaza 910 Louisiana Houston, TX 77002-4995				EXAMINER BHATIA, AJAY M
			ART UNIT 2145	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/961,218	BROWN ET AL.	
	Examiner	Art Unit	
	AJAY BHATIA	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 April 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 and 14-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 and 14-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

Response to Arguments

Examiner has withdrawn the 101 rejections in light of the amendments to the claims, but currently the amendment to the claims includes terminology that is not found in the specification, therefore examiner has provided a claim objection.

In reviewing applicant's remark examiner notes that applicant is relying upon the appeal brief. In reviewing the appeal brief the examiner would like to note the summary is incomplete. In reviewing applicants arguments it appears that applicant's argument is that the prior art is not in the same field of invention and examiner disagrees with applicants argument. Examiner has given the broadest possible interpretation in light of the specification, which specification speaks to the operation of the invention and examiner has provided relevant prior art based upon that interpretation. Additionally examiner expect applicant to be aware of terms that art disclosed in the application which are also disclosed in the prior art. Therefore the prior art rejection is maintained.

Claim Objections

Claim 9-22 recites the limitation "tangible" in multiple lines. There is insufficient antecedent basis for this limitation in the claim. The applicant is required to user terms that are supported by the specification and examiner would also like no note that applicant should be selective when choosing alterative terminology because it may cause 101 issue necessitated by amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 9-11, 16-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul (U.S. Patent Application Publication 2002/0161868) in view of Klimenko (Patent Number 5,974,547).

Please note for the application of the prior art, "blank" is equivalent to "without regard to what data, if any is stored on the disk" as per the remarks submitted by the applicant 8/14/06 pages 10-11.

For claim 1, Paul teaches, a method for automatically naming hosts in a distributed data processing system, the method comprising:

receiving unique identifiers (UID) at a cluster controller from each of a plurality of host in communication with the cluster controller, while at least one of the plurality of host is executing a pre boot execution environment (Paul, paragraph 32)

in response to receiving the UIDs, causing the plurality hosts to produce ready signals; (Paul, paragraph 35)

in response to receiving the user input from the first host, associating a first host name with the UID for the first host; (Paul, paragraph 35)

after associating the first host name with the UID for the first host, causing the first host to produce a completion signal; (Paul,)

receiving user input from a second host among the plurality hosts; (Paul, paragraph 51) and

repeating the operations of receiving replies from hosts, associating host names with UIDs, and causing hosts to produce completion signals, until each of the plurality hosts has been named, such that the user input dictates the order in which host names are assigned to the plurality hosts. (Paul, paragraphs 52,64)

Paul fails to clearly disclose, receiving user input from a first host among the plurality hosts, the user input comprising notification of a disk within the first host;

Klimenko teaches, receiving user input from a first host among the plurality hosts, the user input comprising notification of a disk within the first host; (Klimenko, Col. 4 lines 17-63)

Paul and Klimenko are both compatible with each other because they are based upon the remote booting

Paul and Klimenko are both in the same field of

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Paul with Klimenko because by integrating Klimenko it provides for cost saving at the enterprise level. (Klimenko, Col. 3 lines 43-46)

For claim 2, Paul-Klimenko teaches, the method of claim 1, wherein the operation of associating a first host name with the UID for the first host comprises:

in response to receiving the user input from the first host, transmitting data to the first host; (Klimenko, Col. 4 lines 17-63) and

after transmitting the data to the first host, receiving a reply from the first host, such that the first host name is associated with the UID for the first host in further response to the reply. (Paul, paragraph 35)

For claim 3, Paul-Klimenko teaches, the method of claim 2, further comprising:

providing the cluster controller with a host-name index, wherein: (Paul, paragraph 38)

the operation of transmitting data to the first host comprises transmitting the host-name index to the first host; (Paul, paragraph 35)

the operation of receiving a reply from the first host comprises receiving an incremented host-name index from the first host; and (Paul, paragraph 38)

the operation of associating a host name with the UID for the first host comprises using the host-name index to generate the host name to be associated with the UID for the first host. (Paul, paragraph 38)

For claim 4, Paul-Klimenko teaches, the method of claim 2, further comprising:

providing the cluster controller with a host-name index and a host-name root;
(Paul, paragraphs 35, 38) and
providing the multiple hosts with auto-naming logic, wherein: (Paul, paragraphs 35, 38)

the auto-naming logic causes the multiple hosts to transmit the UIDs to the cluster controller; (Paul, paragraphs 35, 38)

the auto-naming logic receives the index in the data from the cluster controller, increments the index, and transmits the incremented index to the cluster controller in the reply; (Paul, paragraphs 35, 38) and

the operation of associating a host name with the UID for the first host comprises using the host-name root and the host-name index to generate the host name to be associated with the UID for the first host. (Paul, paragraphs 35, 38)

For claim 6, Paul-Klimenko teaches, the method of claim 1, wherein the operation of receiving user input from the first host comprises detecting that a blank disk has been inserted into a disk drive of the first host. (Klimenko, Col. 4 lines 17-63) Please note for the application of the prior art, “blank” is equivalent to “without regard to what data, if any is stored on the disk” as per the remarks submitted by the applicant 8/14/06 pages 10-11.

Claims 9-11,16-18 and 22 are directed to the same invention as claims 1-4 and 6.

Therefore, the supporting rationale of the rejection to claims 1-4 and 6 applies equally as well to claims 9-11,16-18 and 22.

Claims 5, 7, 8, 12, 14, 15, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul (U.S. Patent Application Publication 2002/0161868) in view of Klimenko (Patent Number 5,974,547) in further view of Park (U.S. Patent 5,864,656).

For claim 5, Paul-Klimenko fails to clearly disclose, the method of claim 1, wherein the operation of causing the multiple hosts to produce ready signals comprises activating light emitting diodes (LEDs) on the multiple hosts to indicate that the multiple hosts are ready to be named.

Park teaches, the method of claim 1, wherein the operation of causing the multiple hosts to produce ready signals comprises activating light emitting diodes (LEDs) on the multiple hosts to indicate that the multiple hosts are ready to be named. (Park, Col. 1 lines 21-51, Col. 4 lines 11-16)

Park is compatible with Paul- Klimenko, because Park is design to interact with bios interrupt requests (Park, Col. 4 lines 11-18)

Park and Paul- Klimenko are both in the field network computer systems (Park Col. 1 lines 52-67)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Park with Paul- Klimenko because Park provides a method of observing the status of a device because it is possible that the device has recovered automatically. (Park, Col. 1 lines 60-67)

For claim 7, Paul-Klimenko-Park teaches, the method of claim 1, wherein the operation of causing the first host to produce a completion signal comprises deactivating a light emitting diode (LED) on the first host. (Park, Col. 1 lines 21-51)

For claim 8, Paul-Klimenko-Park teaches, the method of claim 1, wherein the operation of causing the first host to produce a completion signal comprises producing an audible signal to indicate that the first host has been named. (Park, Col. 1 lines 21-51) and (Paul, paragraph 26)

Claims 12, 14, 15, 19 and 21 are directed to the same invention as claims 5, 7, and 8. Therefore, the supporting rationale of the rejection to claims 5, 7, and 8 applies equally as well to claims 12, 14, 15, 19 and 21.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. The examiner can normally be reached on M-H 9:00-3:30, Also please fax interview requests to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145